

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20054

ORIGINAL

ORIGINAL  
FILE

In re Applications of

MM DOCKET NO. 92-285

RUSS ROBINSON

) File No. BPH-910826ML

)  
Barbara Dawson-Monk  
d/b/a URBAN NETWORK  
COMMUNICATIONS

) File No. BPH-910826MM  
)  
)  
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)  
For a Construction Permit  
for a new FM Station on  
Channel 265A at Richwood,  
Louisiana

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DEC 28 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: Hon. Edward J. Kuhlmann  
Administrative Law Judge

PETITION FOR LEAVE TO AMEND AND AMENDMENT

Russ Robinson, by and through counsel and pursuant to §73.3522(b)(2), hereby submits his amendment in response to the Commission's directive set forth in Hearing Designation Order, DA 92-1591, released December 8, 1992 ("HDO") in the above-captioned proceeding. In support whereof, the following is shown. 1/

1. In the HDO, the Commission noted that Robinson's Radiation Hazard Statement, included as Exhibit E-5 to his Richwood application, stated that he would "will advise maintenance personnel that power is to be reduced prior to undertaking any tower or transmitter site maintenance". HDO at ¶2. The HDO noted that this Exhibit should have stated that power will be reduced or terminated, when maintenance is being

1/ Robinson, together with Barbara Dawson Monk d/b/a Urban Network Communications ("Urban"), the only other applicant in this proceeding, are simultaneously filing this day a "Joint Request For Approval of Settlement Agreement" which contemplates the settlement of this case, the dismissal of Urban's application and the grant of Robinson's application.

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performed on Robinson's transmitter site. While the "or terminated" language was inadvertantly omitted from Robinson's application, it has always been his intention to reduce and/or terminate power in an effort to avoid possible RF radiation exposure to site maintenance workers.

2. Attached hereto is a newly prepared Radiation Hazard Statement which includes the omitted information concerning the termination of power during site maintenance. This amendment should fully satisfy the Commission's concerns regarding possible RF radiation as well as satisfy its environmental impact Rules. In addition to the instant pleading, Robinson is simultaneously filing a "Motion To Delete Issue", seeking to have the contingent environmental issue deleted pursuant to §1.229 of the Rules.

3. Because the RF portion of Robinson's amendment is being filed in response to an issue first raised by the Commission in its HDO, it is filed as a matter of right. See §73.3522(b)(2) of the Rules.

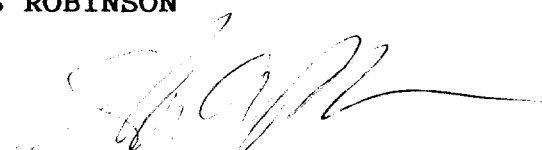
4. This amendment is also being supplied to change Mr. Robinson's current home address as it appears in his application. Good cause exists for the acceptance of this portion of the amendment under the Commission's long-standing "good cause" test. See Erwin O'Connor, 22 FCC 2d 140 (1970). Robinson has diligently amended his application to report his new address and no modification or addition of issues or parties would be necessitated, if the address-change portion of the amendment is accepted. Furthermore, acceptance of this

portion of the amendment would not disrupt the proceeding, and it light of the pending settlement (see footnote 1), acceptance will not necessitate an additional hearing nor will acceptance unduly prejudice the other parties or provide Robinson with a comparative advantage.

5. Counsel for Urban has given his consent to this filing.

WHEREFORE, the above-premises considered, Russ Robinson respectfully requests that his Petition For Leave To Amend and Amendment be ACCEPTED.

Respectfully submitted,  
RUSS ROBINSON

  
By: /s/ Shaun A. Maher  
Shaun A. Maher

BLAIR, JOYCE & SILVA  
1825 K Street, N.W.  
Suite 510  
Washington, D.C. 20006  
(202) 659-4230

His Attorneys

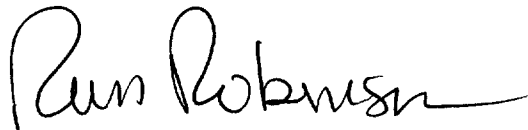
December 28, 1992

AMENDMENT

The application of Russ Robinson for a Construction Permit for a new FM Station on Channel 265A at Richwood, Louisiana (File No. BPH-920826ML) should be amended to include the following information.

Certification

I hereby certify that the following information is true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read "Russ Robinson", written over a horizontal line.

Russ Robinson

Date: 12/23/92

Russ Robinson  
106 Garway Cove  
Clinton, MS 39058

**AMENDMENT TO PENDING  
APPLICATION FOR FM CONSTRUCTION PERMIT**  
Channel 265A 6.0 kw ERP 100 meters HAAT  
Richwood, Louisiana  
December 1992

(c) 1992  
F. W. Hannel, PE  
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STATE OF ILLINOIS            )  
                                  )  
COUNTY OF PEORIA            )        SS:

F. W. Hannel, after being duly sworn upon oath,  
deposes and states:

He is a registered Professional Engineer, by  
examination, in the State of Illinois;

He is a graduate Electrical Engineer, holding Bachelor  
of Science and Master of Science degrees, both in Electrical  
Engineering;

His qualifications are a matter of public record and  
have been accepted in prior filings and appearances requiring  
scrutiny of his professional qualifications;

The attached Engineering Report was prepared by him  
personally or under his supervision and direction and;

The facts stated herein are true, correct, and  
complete to the best of his knowledge and belief.

December 22, 1992.



---

F. W. Hannel, P.E.

F. W. Hannel, PE  
911 Edward Street  
Henry, Illinois 61537  
(309) 364-3903  
Fax (309) 364-3775

Russ Robinson  
106 Garway Cove  
Clinton, MS 39058

**AMENDMENT TO PENDING  
APPLICATION FOR FM CONSTRUCTION PERMIT**  
Channel 265A 6.0 kw ERP 100 meters HAAT  
Richwood, Louisiana  
December 1992

Exhibit E-5  
Radiation Hazard Statement

This application has been reviewed to determine if it complies with the radiation standards and the limits of radiation to which persons would be exposed in the area immediately around the tower base. The radiation, (the algebraic sum of both the horizontal and vertical components), is 12 kw. The ANSI standards that have been published indicate that the radius to the 1 mw/cm<sup>2</sup> contour is approximately 20 meters. The antenna will be mounted on the tower with the center of radiation 99 meters above ground level. The base of the tower will be enclosed by fence so as to restrict access to the base of the tower. The tower site is in a remote area that is not utilized for residences, and the nearest permanent residence is some distance away. The site will only be accessible to a limited number of persons and radiation warning signs will be placed at a number of locations on the fence enclosing the site. The applicant will advise maintenance personnel that **radiation is to be reduced or terminated** prior to undertaking any tower or transmitter site maintenance.

STATEMENT

Mr. Robinson recently moved. His new address is:

Russ Robinson  
102 Tam-O-Shanter Street  
Clinton, MS 39056

Please amend all relevant sections of Mr. Robinson's  
pending application.



# Federal Communications Commission



Washington, D. C. 20554

## CHANGE IN OFFICIAL MAILING ADDRESS FOR DOCKETED CASES

Mail to: Federal Communications Commission  
Dockets Branch  
1919 M Street, N.W., Room 230  
Washington, DC 20554

Russ Robinson

1. Licensee's/Permittee's/Attorney's Name:

102 Tam-O-Shanter Street

2. Street Address or Post Office Box:

Clinton, MS 39056

3. City, State, and ZIP Code:

File No. BPH-910826ML

MM Docket No. 92-285

4. Docket or Rulemaking Number(s):

Section 1.5 of the Commission's Rules requires an attorney to keep the Commission informed of any change in mailing address in order that the station may be served documents or other official papers without delay.

Only one mailing address can be maintained for each applicant.

Due to lack of space in the computer the mailing address cannot contain an individual name (unless the licensee/permittee is an individual).

CERTIFICATE OF SERVICE

I, Snowdeen Dove, a secretary in the law firm of Blair, Joyce & Silva, certify that on the 28th day of December, 1992, copies of the foregoing **PETITION FOR LEAVE TO AMEND AND AMENDMENT** were mailed, postage paid, by first class mail, to the following:

Honorable Edward J. Kuhlmann (\*)  
Administrative Law Judge  
Federal Communications  
Commission  
2000 L Street, N.W.  
Room 220  
Washington, DC 20554

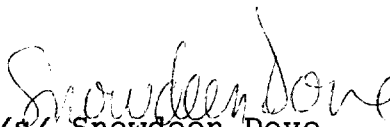
Norman Goldstein, Esq. (\*)  
Hearing Branch  
Federal Communications Commission  
2025 M Street, N.W.  
Room 7212  
Washington, DC 20554

Chief - Data Management Staff (\*)  
Federal Communications Commission  
1919 M Street, N.W.  
Room 350  
Washington, DC 20554

Jan W. Gay (\*)  
Assistant Chief - Audio Services Division  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N.W.  
Room 302  
Washington, D.C. 20554

William J. Pennington, Esq.  
2426 Confederate Drive  
P.O. Box 4203  
Wilmington, NC 28406  
Counsel for Urban Network Communications

(\*): By Hand Delivery

  
/s/ Snowdeen Dove  
Snowdeen Dove